

PATENT APPLICATION

042390.P9741

Request for extension of time under 37 C.F.R. §1.136

Assignee herewith petitions the Director of the United States Patent and Trademark Office to extend the time for response to the Office Action dated January 15, 2003 for 3 month(s) from April 15, 2003 to July 15, 2003.

Please charge Deposit Account #02-2666 in the amount of:

_____	(\$110.00 for a one month extension)
_____	(\$410.00 for a two month extension)
<u> X </u>	(\$930.00 for a three month extension)
_____	(\$1,450.00 for a four month extension)

to cover the cost of the extension.

Remarks

Reexamination and reconsideration of this application, as amended, is requested. Claims 1-21 remain in the application. No new claims have been added or canceled.

Applicants believe there is no charge for this response because no new claims have been added.

The Office Action requested that Applicants add a "Summary of the Invention" description to the application. However, Applicants would like to kindly point out that both the MPEP and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention." They merely indicate where in the application the "Summary of the Invention" should be placed. 37 C.F.R. §1.73 only states that a "Summary of the Invention" should or may be included. It does not state "must" or "shall." Accordingly, Applicants have elected not to include a "Summary of the Invention" as this is within the discretion and right of the Applicants. Applicants also believe that the Abstract of the application also complies with the requirements

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of MPEP §608.01(b). Applicants request clarification as to what needs to be added or removed, if anything, from the Abstract.

Support for Amendments

As indicated above, claims 1 and 4 have been amended. Support for the amendments is shown at least by the examples illustrated in FIGs. 1-2 and described on page 9, lines 3-15.

In addition, the specification has been amended to correct other minor and inadvertent grammatical errors. This amendment is directed strictly to matters of form and, therefore, does not affect the scope of the claims or create any prosecution history estoppel.

Furthermore, the Title of the Specification has been amended to advance the prosecution of the application. However, Applicants would like to point out that the amendment to the title does not narrow or limit the scope of the claims in any way.

Applicants respectfully submit that no new matter has been added.

Response to the 35 U.S.C. §102(b) Rejection

The Office Action rejects claims 1-7 and 9-10 under 35 U.S.C. §102(e) as being anticipated by Young et al. (US 6,434,644). Applicants believe this rejection has been overcome in view of the amendments made above and the remarks that follow.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Office Action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected.

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Therefore, if even one element or limitation is missing from the cited document, the Office Action has not succeeded in making a prima facie case.

Applicants begin with claim 1. Claim 1 specifically recites:

"An apparatus comprising:

a first processor adapted to execute a user application;

a second processor adapted to process a wireless communication, wherein the second processor is capable of initiating the wireless communication independently of the first processor; and

an input port coupled to the first processor and the second processor."

It is respectfully asserted that, as one example, Young et al fails to meet either expressly or inherently the limitation that the second processor is capable of initiating a wireless communication independently of the first processor.

Young et al. makes very clear that the operation of auxiliary processing system 108 is controlled by central processing unit 102. For example, Young et al. refers to auxiliary processing system 108 as "a slave processor subordinate" and as a "co-processor" (see column 3, lines 54-56). Young et al. also states that central processing system 102 is used for "... controlling the tasks of information handling system 100" (see column 3, lines 9-10).

Therefore, Applicants respectfully submit that Young et al. does not teach or suggest a device that has a processor capable of initiating a wireless communication independently of another processor. Accordingly, Young et al. cannot anticipate Applicants' amended claim 1. Since claims 2-11 depend from independent claim 1, they are not anticipated or made obvious for at least the same reason. Additional arguments to distinguish the cited patent from claim 1 could

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have been made, but it is believed that the foregoing discussion is sufficient to overcome the Examiner's rejection.

The Office Action also rejected claims 11-21 under 35 USC §102(e) in view of Liebenow (US. 6,459,896). Applicants respectfully traverse this rejection. Claim 11 recites, among other things an application subsystem and a wireless subsystem coupled to the input port. Although the scope of Applicants' invention is not limited in this respect, an example of such a device is shown in Applicants' FIG. 1 which includes an application subsystem 20 and a wireless subsystem 30 that are part of portable device 10.

In contrast, the Office Action refers to FIG. 2 of Liebenow and states that the system includes an application subsystem (Network 214) and a wireless subsystem (wireless device 210, base station 212, and remote device 216). However, Applicants would like to kindly point out that wireless device 210 and network 214 are two separate systems. In particular, wireless device 210 is a cellular or cordless telephone (see column 4, lines 21-24) and network 214 is a different device that may be one of the devices shown in FIG. 1 of Liebenow. (see column 4, lines 25-26) Thus, Applicants would like to point out that the arrangement shown in FIGs 1-2 of Liebenow do not teach or suggest an application subsystem and a wireless subsystem coupled to the same input port as recited in claims 11 and 18.

Accordingly, Applicants respectfully submit that Liebenow cannot anticipate claims 11 or 18. Since claims 12-17 and 19-20 depend from claims 11 and 18, respectively, these claim cannot be anticipated or made obvious for at least the same reason.

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Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed January 15, 2003, and it is submitted that claims 1-21 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of amended claims 1-21 is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR § 51.6 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

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Dated: 7-15-03

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